



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

R. de Sylva

Serial No. 09/942,304

Filed: August 30, 2001

For: COMPACT FLUID  
CLEANING SYSTEM

: Group Art Unit 1723  
: Examiner: M. Savage  
: Date: February 22, 2005  
:  
:

### DECLARATION UNDER 37 CFR 1.131 TO SWEAR BEHIND REFERENCE

Commissioner of Patents and Trademarks  
Washington, D. C. 20231

Sir:

The enclosed exhibits A - H provide evidence and testimony to antedate US Patent No. 5,824,211 (Lowry) for subject matter disclosed and claimed in U.S. Patent Application, Serial No. 08/826,727, which is the parent of the Continuation-In-Part U.S. Patent Application, Serial No. 09/942,304.

**Exhibit A:** Exhibit A is a letter from a witness Paul Oravecz. The fact herein relied upon is that Robert de Sylva conceived embodiments of U.S. Patent Application, Serial No. 08/826,727 before May 3, 1995, as witnessed by Paul Oravecz and was diligent in reducing the invention to practice.

**Exhibit B:** Exhibit B is a letter from a witness Dione Apple. The fact herein relied upon is that Robert de Sylva conceived embodiments of U.S. Patent Application, Serial No. 08/826,727 before May 3, 1995, as witnessed by Dione Apple.

**Exhibit C:** Exhibit C is a letter from Daniel Potasz, who witnessed Charles Lowry asking Robert de Sylva questions pertaining to Robert de Sylva's proprietary oil recycling system before May 3, 1995. The fact herein relied upon is that Robert de Sylva transferred ideas to Charles Lowry, as witnessed by Daniel Potasz, that were subsequently disclosed in Lowry, and therefore should not be used by Examiner to reject Applicant's claims.

**Exhibit D:** Exhibit D is a letter from Robert de Sylva explaining his working relationship with Charles Lowry. The fact herein relied upon is that Robert de Sylva conceived the embodiments of U.S. Patent Application, Serial No. 08/826, 727 before May 3, 1995.

**Exhibit E:** Exhibit E is a collection of drawings sheets 1-5 employed to construct a prototype of the Fig. 2 embodiment of U.S. Patent Application, Serial No. 08/826, 727. Sheet 1 is a working cross-sectional diagram of the mobile oil recycling device that was used to construct a working prototype, the design/construction beginning in 1995. Sheet 2 is a working diagram constructed by the machinist illustrating the central tube and accompanying grooves employed to enhance the evaporation surface on the interior of the tube. Sheet 3 shows the design of the bottom end cap of the prototype. Sheet 4 shows how the inner tube fits with the end caps. Sheet 5 shows the threading between the outer tube and the end caps of the prototype. The fact herein relied upon is that Robert de Sylva was diligent in reducing the invention to practice in approximately February 1995.

**Exhibit F:** Exhibit F includes two sheets illustrating diagrams of an oil recycling unit that Robert de Sylva commissioned Charles Lowry to produce via his computer in February 1995 based on Robert de Sylva's input. Charles Lowry was extremely excited to participate in Robert de Sylva's new invention after Robert de Sylva explained to him the details of the invention. Charles Lowry asked Robert de Sylva if he could illustrate Robert de Sylva's proposed oil recycling device via his computer. Robert de Sylva allowed Charles Lowry to construct some figures based on Robert de Sylva's instructions. Exhibit F includes some of those figures. Note that Sheet 1 of exhibit F is very similar to Fig. 1 of Lowry. Although these diagrams do not have the date written on them, they were produced in February 1995. The handwriting on Sheet 1 represents some of my notes to Charles Lowry regarding the diagrams. The notes on Sheet 1 were written (by me) in approximately February 1995. The fact herein relied upon is that Robert de Sylva invented concepts disclosed and claimed in Lowry before May 3, 1995. Furthermore, Robert de Sylva was diligent in reducing the invention to practice by having Charles Lowry develop drawings for the development of a prototype.

**Exhibit G:** Exhibit G includes photographs illustrating a prototype that Robert de Sylva implemented with the assistance of Paul Oravecz subsequent to disclosing the invention to Paul Oravecz in 1994. This is the prototype referenced in the letter by Paul Oravecz (Exhibit A). Oil analysis was periodically performed by Ana Laboratories ([www.analaboratories.com](http://www.analaboratories.com)). The device tested successfully. The prototype is still installed on Paul Oravecz's truck, and the oil still does not need changing.

**Exhibit H:** Exhibit H includes photographs illustrating a second prototype completed shortly after the prototype implemented in Exhibit G. The prototype of Exhibit H was constructed based on the drawings of Exhibit E. This prototype was developed in approximately February 1995.

Robert de Sylva was diligent in pursuing and implementing the invention as evidenced by signed letters of witnesses in the accompanying Exhibits A-D between the date of conception and reduction to practice. The diagrams of Exhibits E and F corroborate diligence prior to the filing date of Lowry, as these diagrams were constructed in preparation for prototype development. This was followed by reduction to practice as illustrated in Exhibits G and H.

The acts herein relied upon to antedate Lowry were performed in the United States.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both.

Respectfully submitted,

*Robert de Sylva* 2-22-05

Robert de Sylva

Applicant Pro Se

Robert de Sylva  
161 Ocean Park Boulevard Unit D,  
Santa Monica, California 90405  
(310) 452-4579



A  
Paul Oravecz  
1930 Sprucewood Lane  
Los Angeles CA 90077

# Oravecz Contractors

November 16, 2000

Commissioner of Patents  
and Trademarks  
Washington, D. C. 20231

Dear Sir or Madam:

In early 1994 I discussed with Robert de Sylva his concepts for a new mobile oil recycling system. Shortly thereafter, we fabricated a prototype of the new device and installed it on one of my vehicles (Chevy Blazer). Robert de Sylva has since shown me U.S. Patent 5,824, 211 of Charles Lowry, which is very similar to the prototype that we built. Furthermore, after reviewing Robert de Sylva's patent application, it is clear that Robert de Sylva had developed the concepts described in the patent application well before the May 3<sup>rd</sup> 1995 filing date of Charles Lowry's U.S. Patent 5,824, 211.

I personally met Charles Lowry in late 1994 or early 1995. Charles Lowry was Robert de Sylva's mechanic.

I, Paul Oravecz, certify that the above is true and correct to the best of my knowledge.

Sincerely,

 11-16-00

Paul Oravecz  
President, Oravecz Contractors

B

**Dione Apple, 1275 Barry Avenue #7, Los Angeles, CA 90025**

November 16, 2000

Commissioner of Patents  
and Trademarks  
Washington, D. C. 20231

To Whom It May Concern:

This letter is in response to a request by Robert de Sylva to provide a statement of fact, which recounts to the best of my knowledge, my dealings with Robert de Sylva and Charles Lowry as they relate to mobile oil recycling systems, the subject of Robert de Sylva's pending patent application.

Having known Robert de Sylva since 1993, I was well aware of his endeavors in the field of oil recycling systems. He was a distributor for TF Purifiner, Inc., a seller of mobile oil recycling devices.

In late 1994, Robert de Sylva orally disclosed to me concepts pertaining to a new mobile oil recycling system designed to overcome limitations of the oil recycling systems that he was currently working with. Robert de Sylva was actively pursuing these concepts in an effort to have them developed and marketed.

Also in late 1994, Robert de Sylva asked me to assist him in locating someone who could help him install the oil recycling devices on customers' automobiles. In late January of 1995, I informed Robert de Sylva that Charles Lowry had mechanic experience and was a possible candidate for assisting in the installation of oil recycling devices made by TF Purifiner, Inc., and recycling systems soon to be made by Robert de Sylva. I subsequently introduced Charles Lowry to general concepts of mobile oil recycling systems to see if he was interested, capable, and wished to assist in device installations. Charles Lowry expressed amazement, fascination, and was clearly unfamiliar with the oil recycling concepts that I presented to him. It was evident that Charles Lowry had not been introduced to the concepts before.

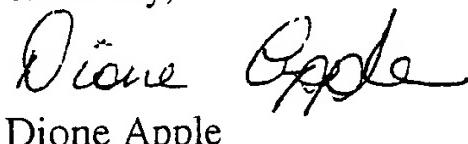
Robert de Sylva requested that I have Charles Lowry sign a confidentiality agreement before disclosing any information to Charles Lowry pertaining to oil recycling devices, and particularly before disclosing any information pertaining to Robert de Sylva's related proprietary ideas. Regretfully, I did not have Charles Lowry sign the confidentiality agreement.

In approximately mid May of 1995, Robert de Sylva called to inform me that Charles Lowry reported filing a patent application on an oil recycling system based on the information that I and Robert de Sylva disclosed to Charles Lowry during the course of oil recycling device installation work.

Upon review of the issued patent by Charles Lowry, it is apparent that Charles Lowry's patent incorporates many of Robert de Sylva's previously conceived ideas. Furthermore, upon review of Robert de Sylva's patent application, it is apparent that the general ideas presented therein were earlier developed by Robert de Sylva, for I recollect Robert de Sylva disclosing these concepts to me in late 1994 as mentioned above. The concepts include ideas pertaining to the use of a textured surface to promote evaporation and the use of an evaporation chamber contained on the interior of a filter.

I, Dione Apple, certify that the above is true and correct to the best of my knowledge.

Sincerely,

  
Dione Apple

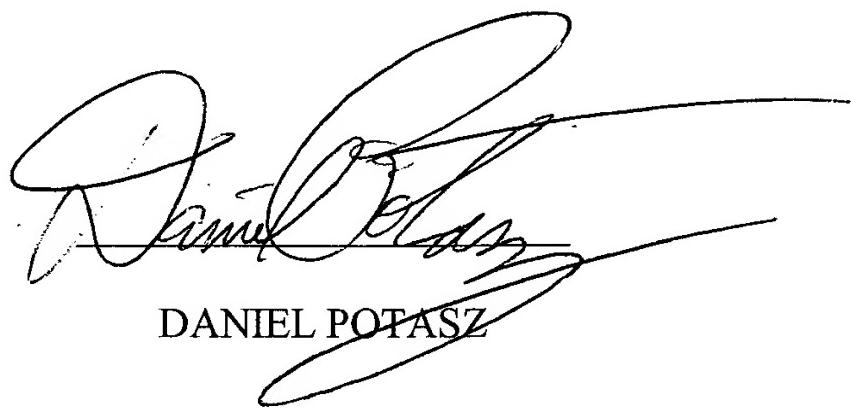
## DECLARATION

I Daniel Potasz, residing at 500 Landfair Ave. Los Angeles, CA 90024, declare that in the first part of 1995 Robert de Sylva disclosed to me various aspects of an oil-recycling device. Weeks later I dined with him and a Charles Lowry at the University Cooperative Housing Association at UCLA, wherein it was apparent that Charles had learned of the device after me.

In the spring Robert informed me that Charles filed a patent application in his own name on the device that Robert had described to me in the first part of the year. At my suggestion he immediately contacted my father, Frank Potasz, a practicing attorney in San Mateo, CA; and they discussed possible approaches to address the intellectual property theft.

I declare under penalty of perjury that the foregoing is true and correct.

August 20, 2001

A handwritten signature in black ink, appearing to read "Daniel Potasz".

DANIEL POTASZ

August 16, 2001

Sir:

In approximately January 1995, I began speaking with mechanic Charles Lowry regarding installing oil recycling devices on automobiles. On February 2, 1995, Charles Lowry and I drove to 3300 N. San Fernando Blvd. in Burbank California to install an oil recycling unit on Peter McNulty's automobile. During the installation, I explained the shortcomings of the device that we were installing to Charles Lowry and told him about a more compact and easily installable system that I had designed. Charles Lowry became very excited and seemed obsessed with helping pursue the new design.

Unfortunately, on May 15, 1995 Charles Lowry informed me that he had filed a patent application based on the system we had discussed saying approximately: "I filed a patent on the device. Now I am trying to figure out what I need you for." The next day, I spoke with Dan Potaz, who put me in touch with Frank Potaz, an attorney. Frank Potaz indicated that he could pursue the case, but that it would be very expensive. I could not afford it and decided to wait.

On April 7, 1997, I filed a U.S. Patent Application, Serial No. 08, 826, 727 on the compact mobile oil recycling system. In an associated Office Action dated January 1, 1998, Examiner M. Savage, Art Unit 1723, cited US Patent 5, 824, 211 to Lowry, as prior art against the above-identified patent application.

I had conceived the concepts and embodiments disclosed and claimed in the above-identified U.S. Patent Application well before the May 3, 1995 filing date of US Patent 5, 824, 211 to Lowry, as indicated in attachments accompanying this letter. Furthermore, I was diligent in pursuing and testing the concepts.

Sincerely,

*Robert de Sylva* 8-16-01  
Robert de Sylva



E, SHEET 1

DRAWING IS TO SCALE

Hannan

Robert de Sylva: 310-452-4579, 310-452-1003  
310-702-7627, 310-470-4409

Patent Pending

093  
Farr

witness:

Outside Tube: 3.0" OD, 1/8" wall.

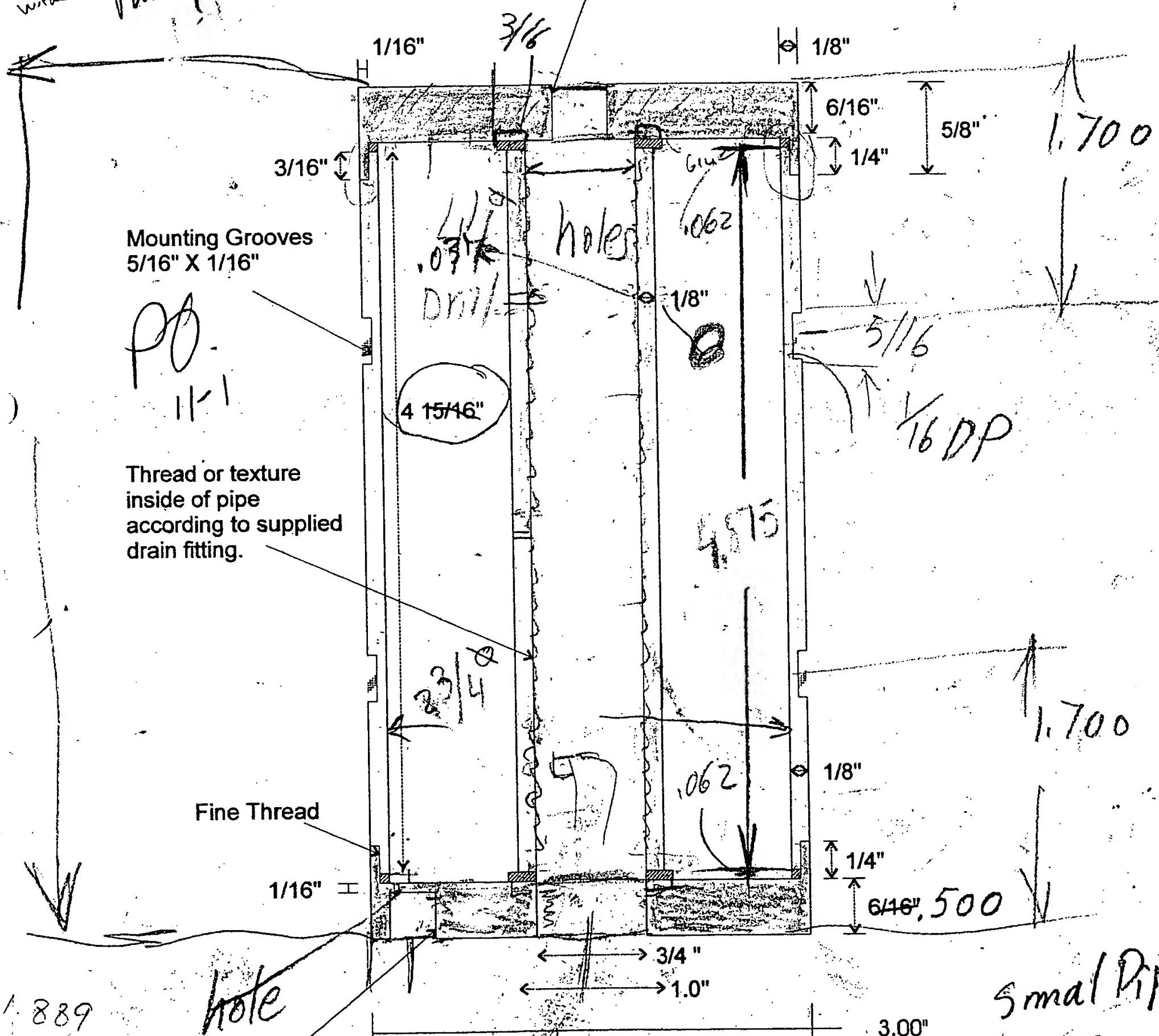
Inside Tube: 1.0" OD, 1/8" wall.

Filter: 1.0" ID, 2.5" OD

Washers: 2 7/8" OD, 2 3/4" ID, 1/16" thick.

1 1/8" OD, 3/4" ID, 1/16" thick.

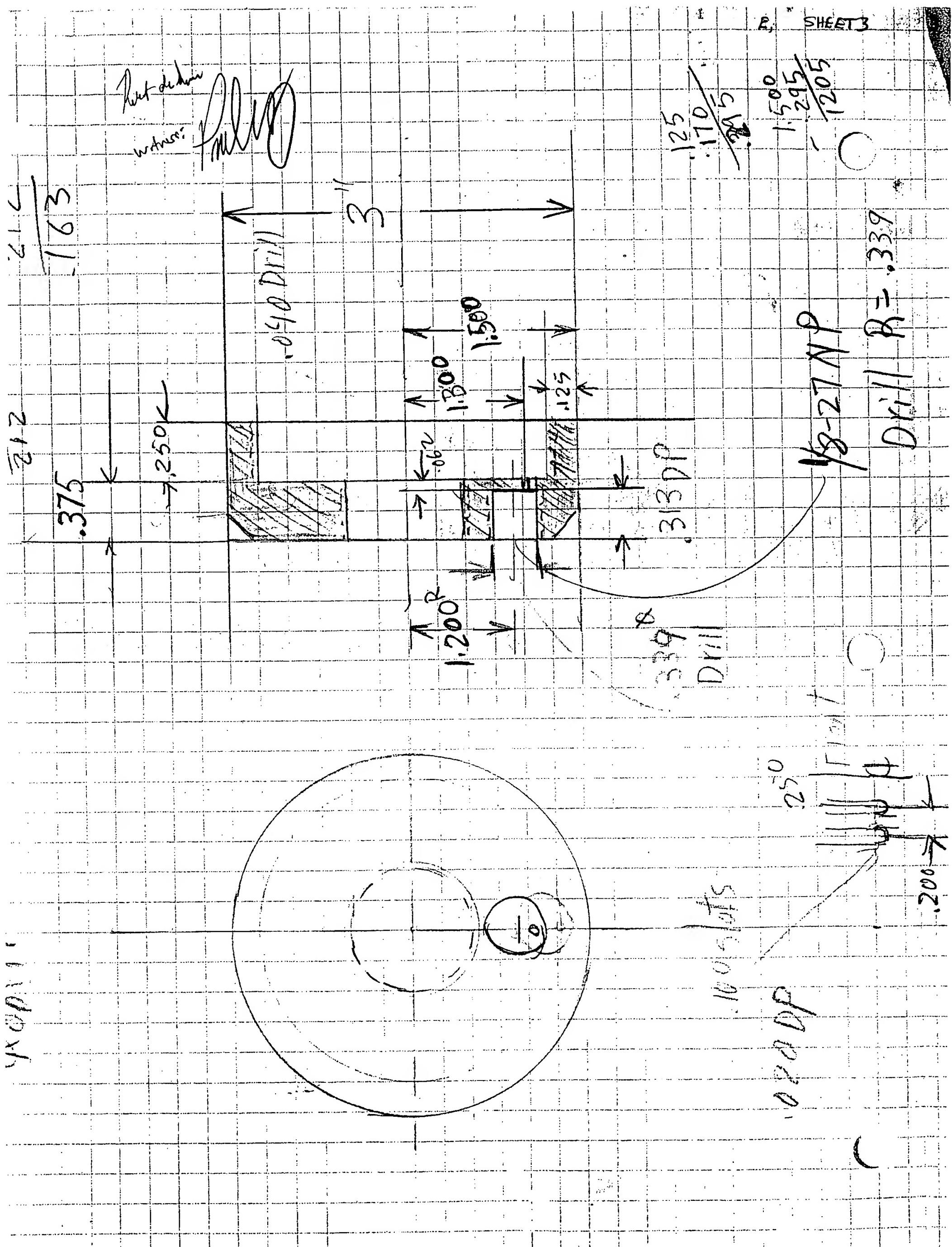
Thread according to supplied vent valve.



Thread according to supplied fitting.



E, SHEET 3



H TAKES

15

Shm

Dry Bay

Takengon

150

2/

Boton

Boton

Black

Pipe

1/2

26/2

Paulo

11/10 81-HK

20/4 81-HK

Surf  
Top

150 DP  
117  
018.  
1.045.

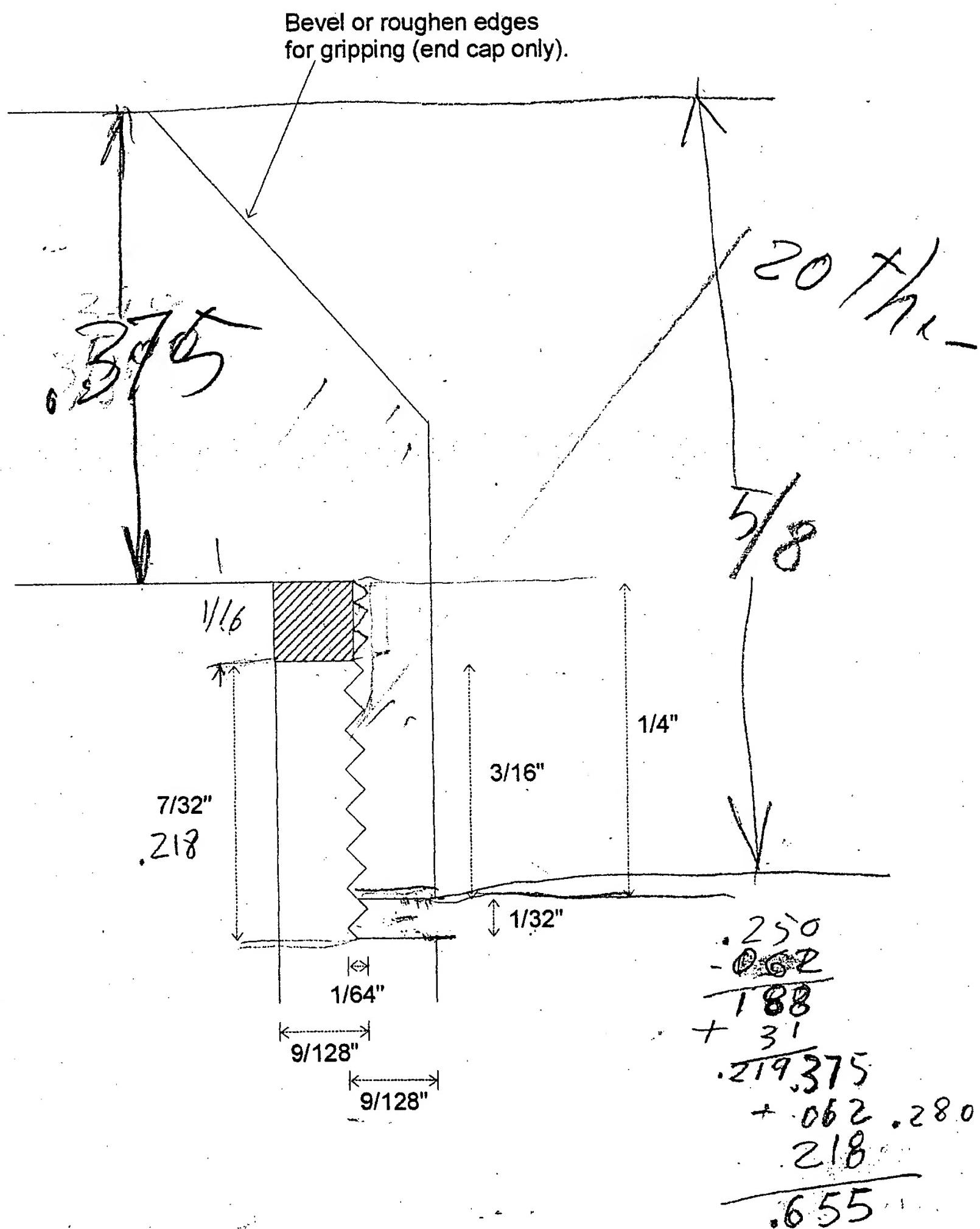
Robert

11/10 81-HK

## THREAD SIZE ESTIMATE

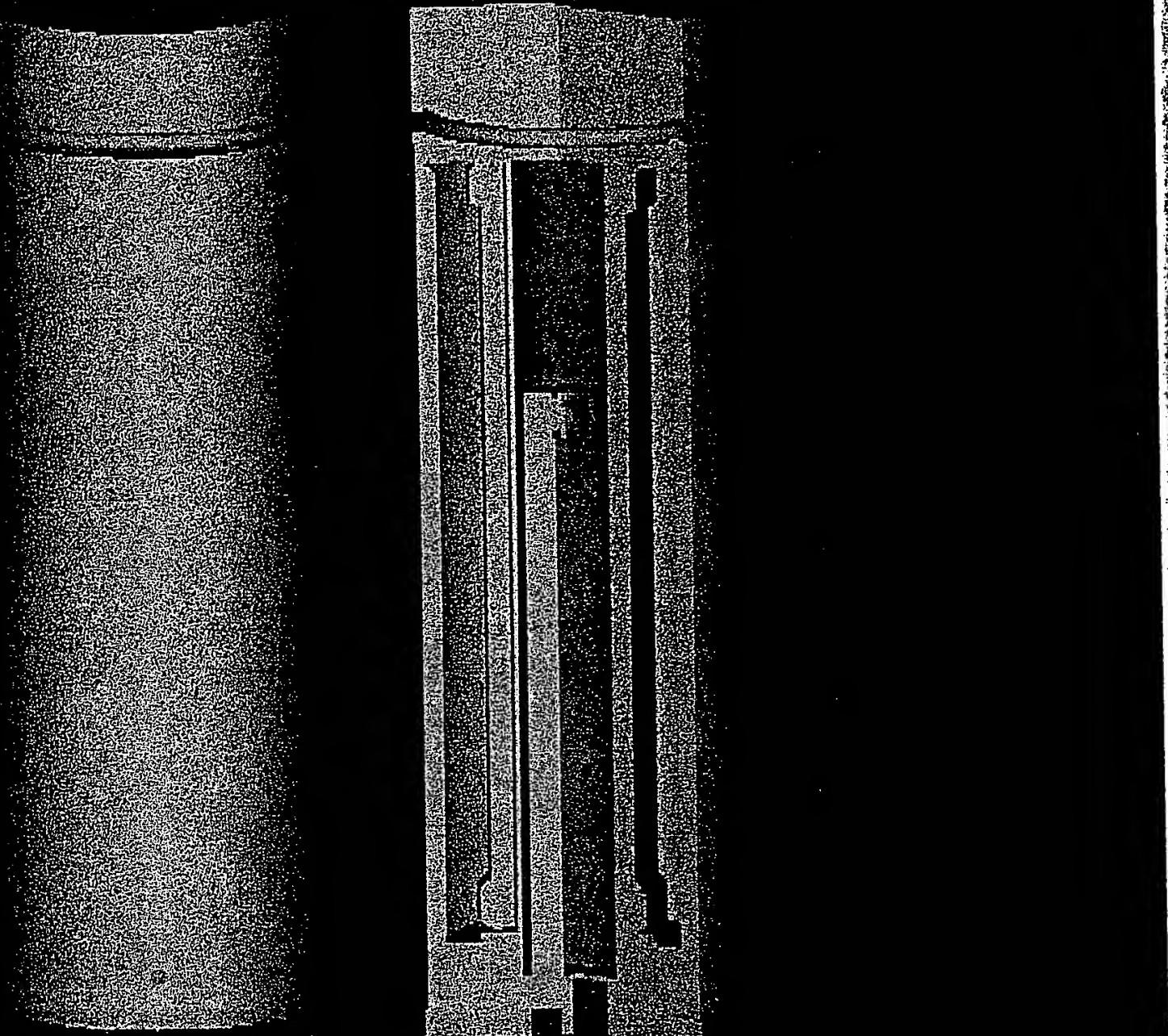
Printed by  
Paul M.

written:



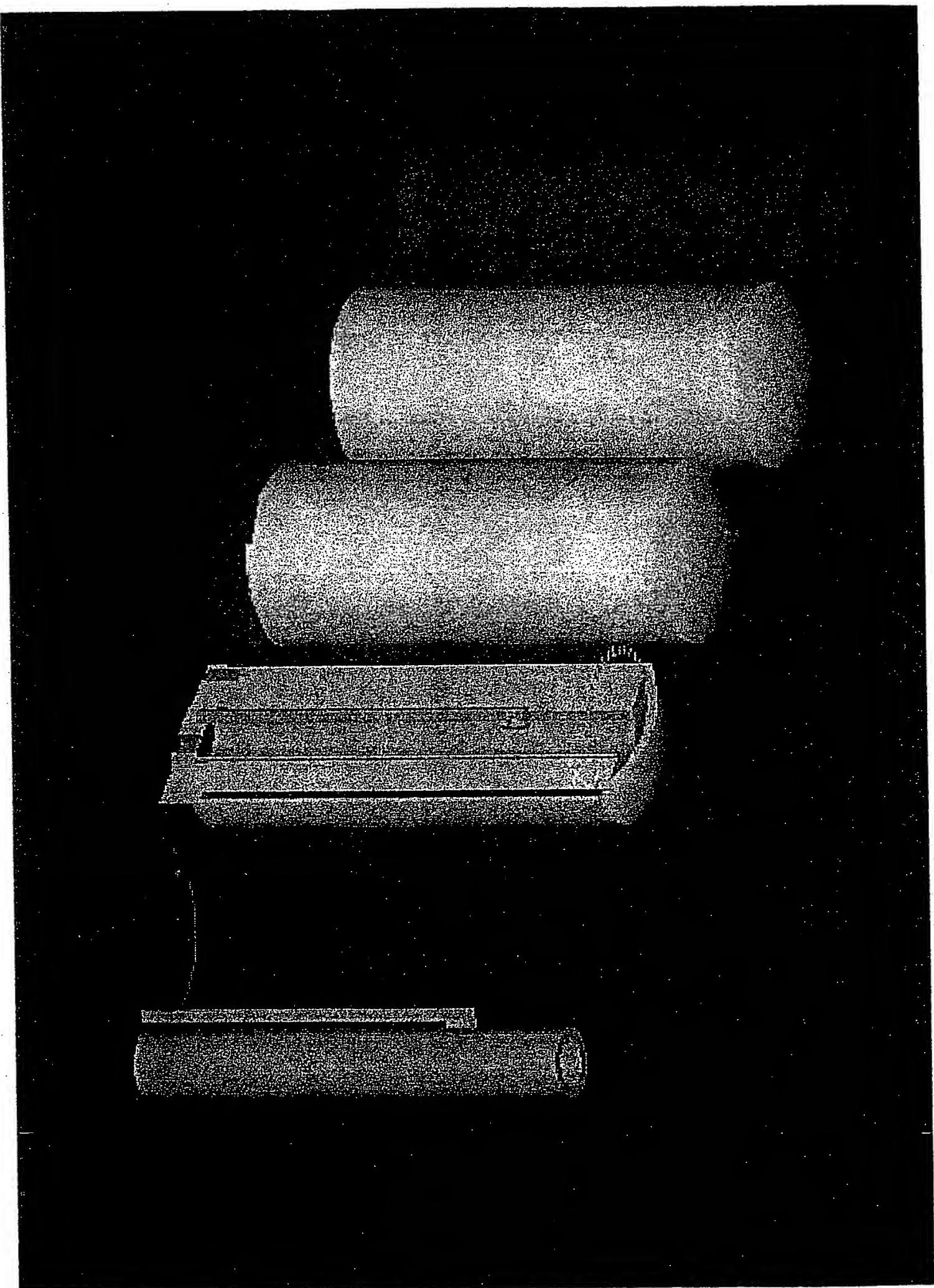
Possible new feature: Transparent polymer cap to inspect unit functioning.

Pressure regulator included?



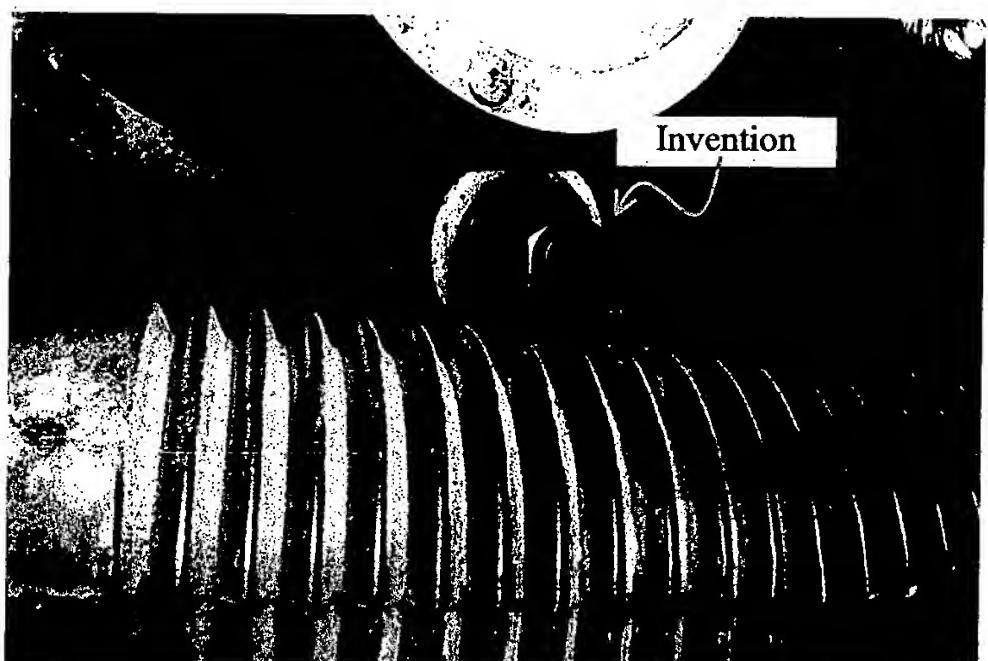
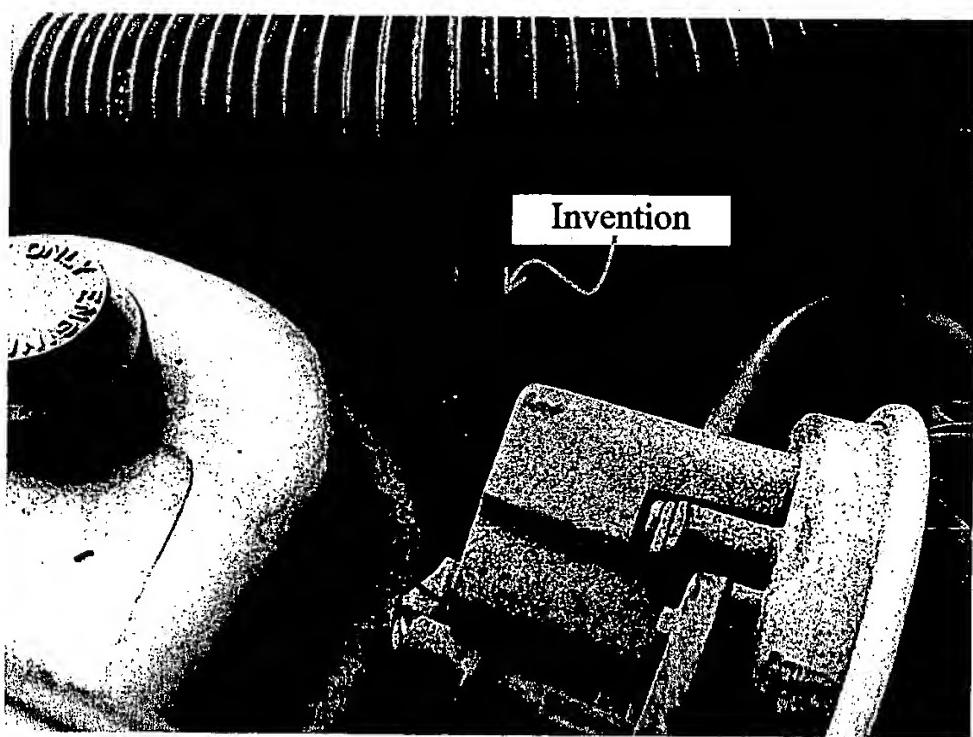
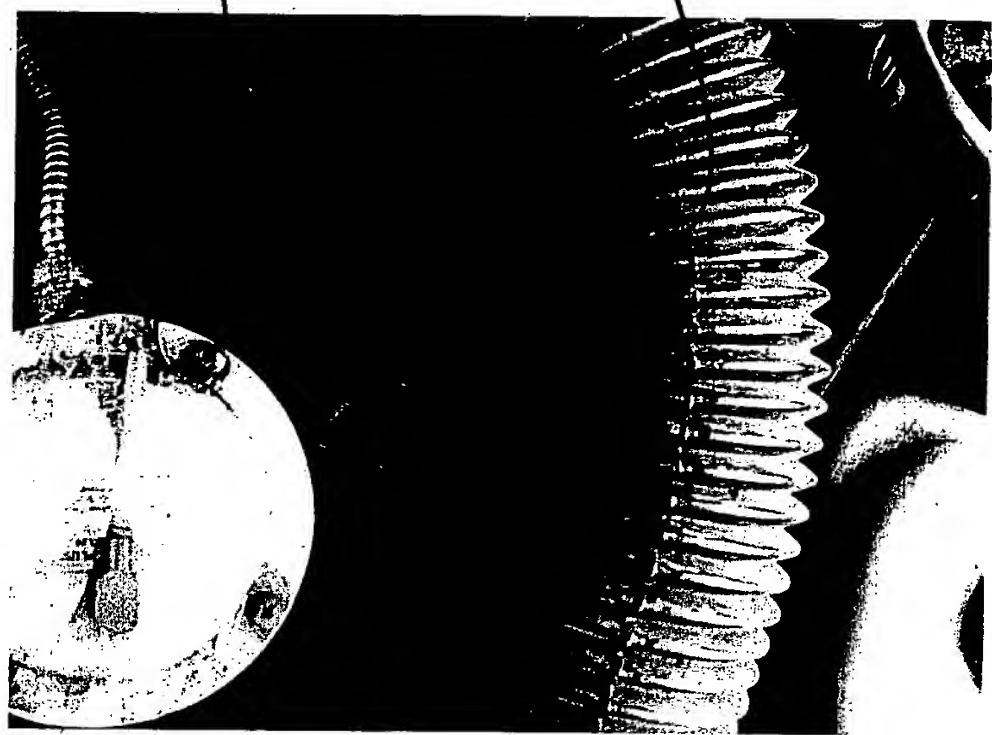
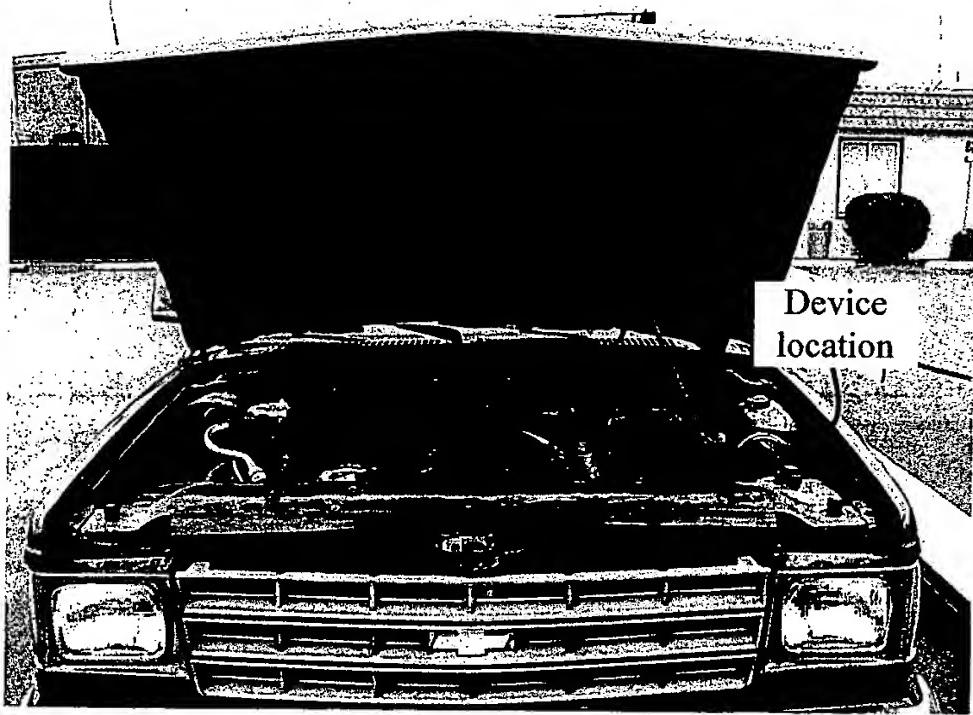
1. wasted space bet. filter & housing →
  - a. provide insulative material to occupy space
  - b. use centrifugal action of oil flow in space to swing out particles
  - c. Add extra filter element around mid core.
2. Oil pressure in-line lets contaminants drain back to engine.
  - a. provide closed tube w/ holes  $\frac{1}{16}$  for oil exit & dispersion  
- disperses heat from incoming oil, providing less element melting.
3. If filter is snug against evaporation tube, and holes are at top of tube → filter life compromised and oil stagnation results. If oil drains back down through filter (holes at bot of tube) → easy inspection of filter element.

F, SHOT 2

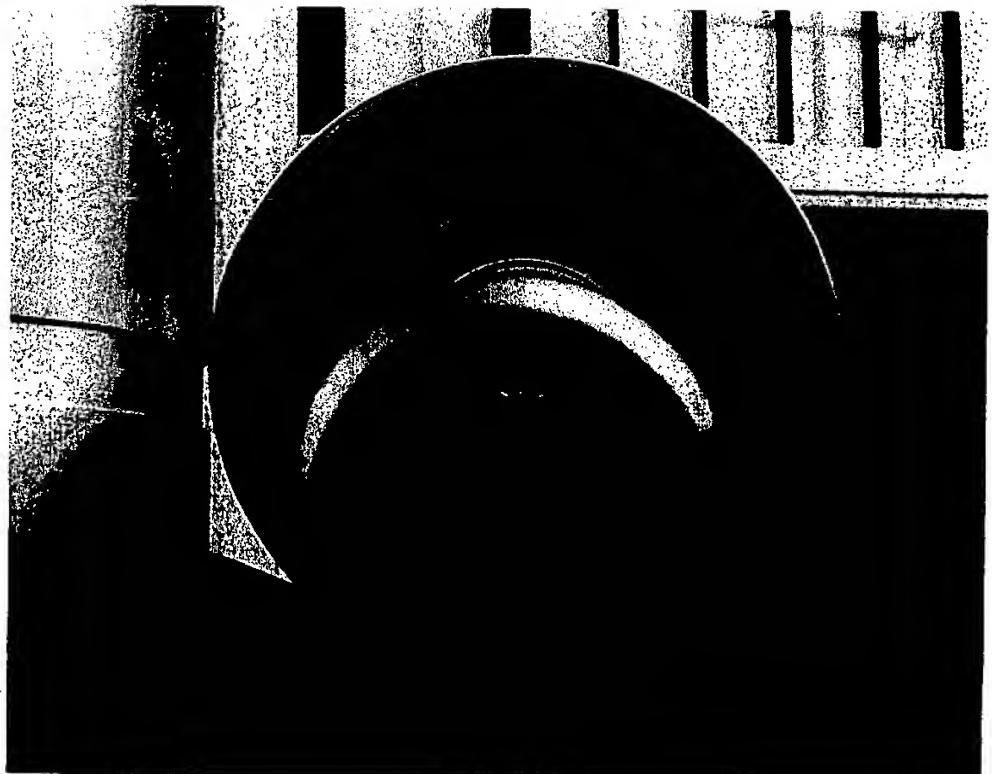
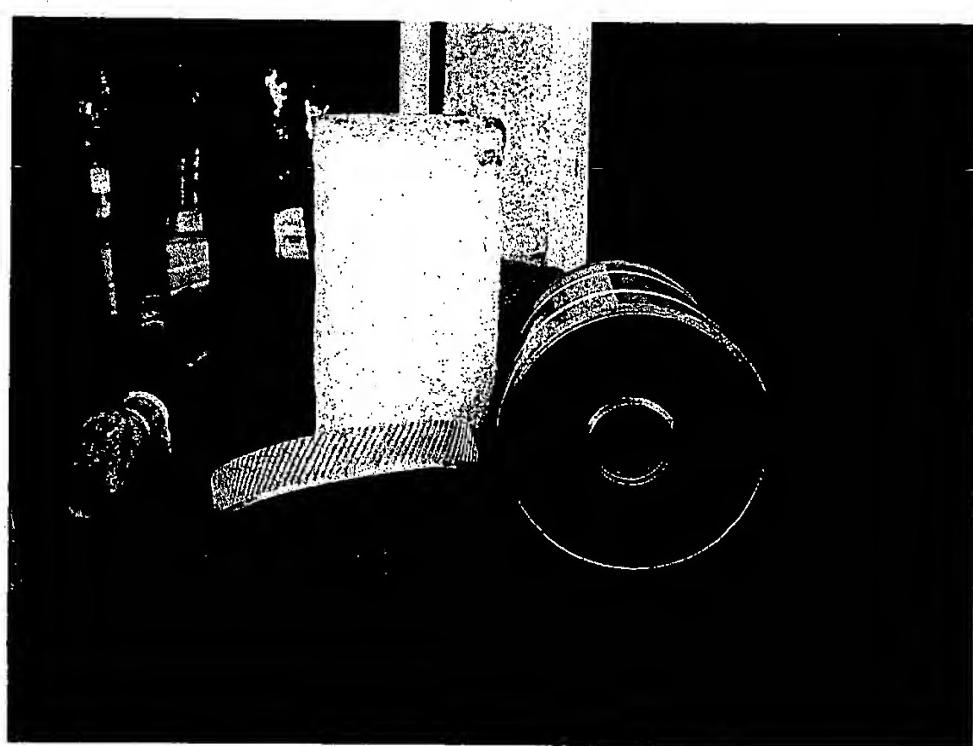
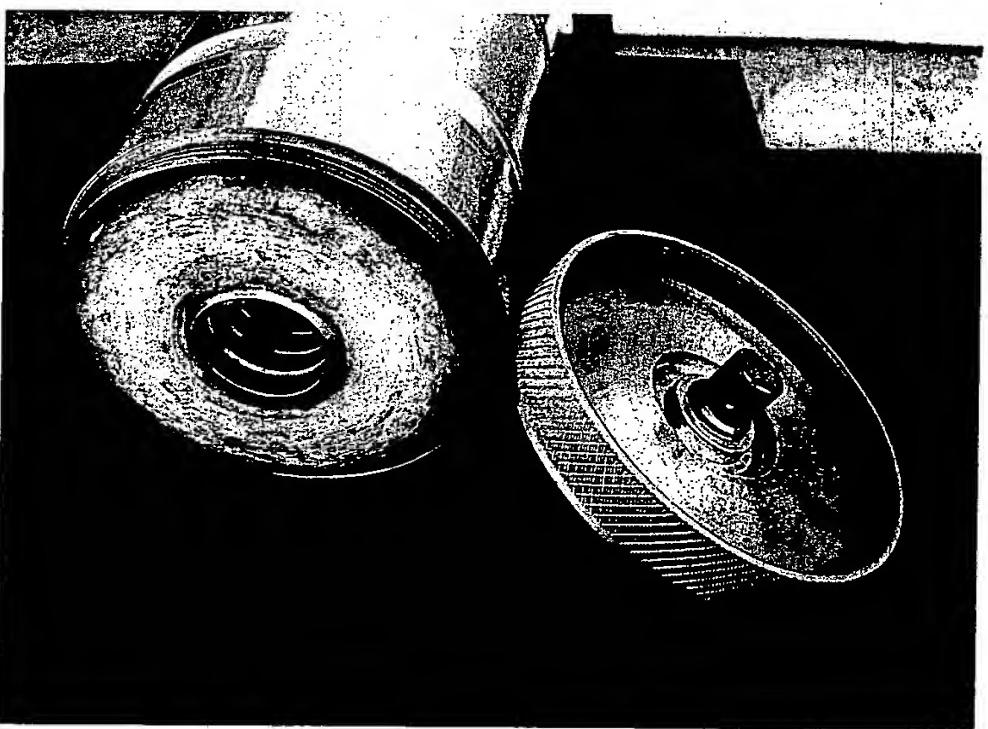
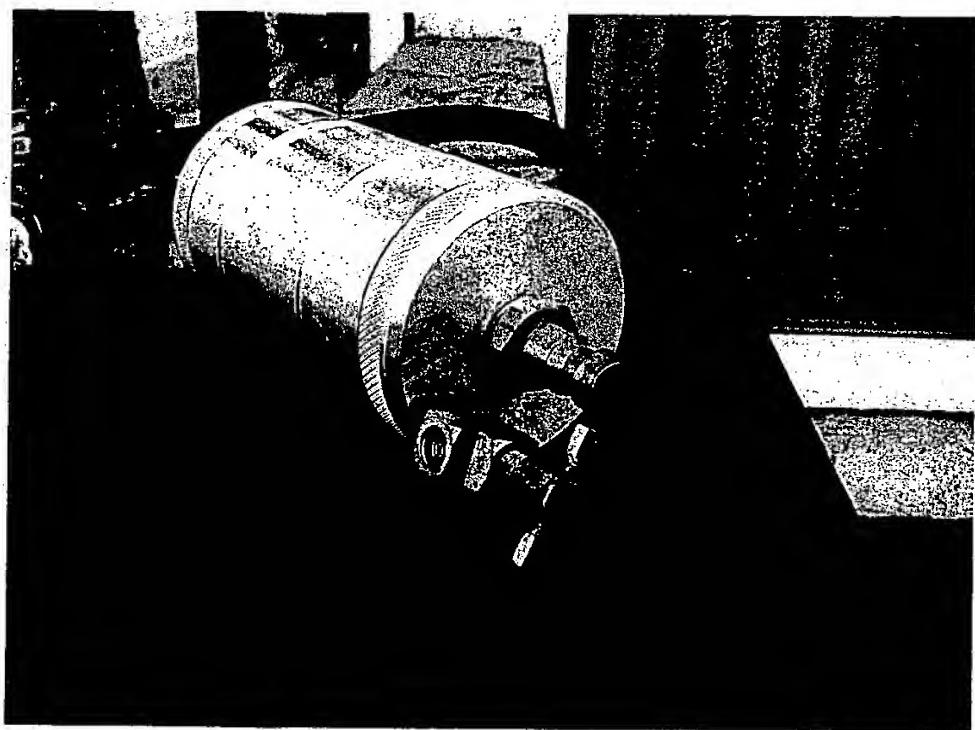
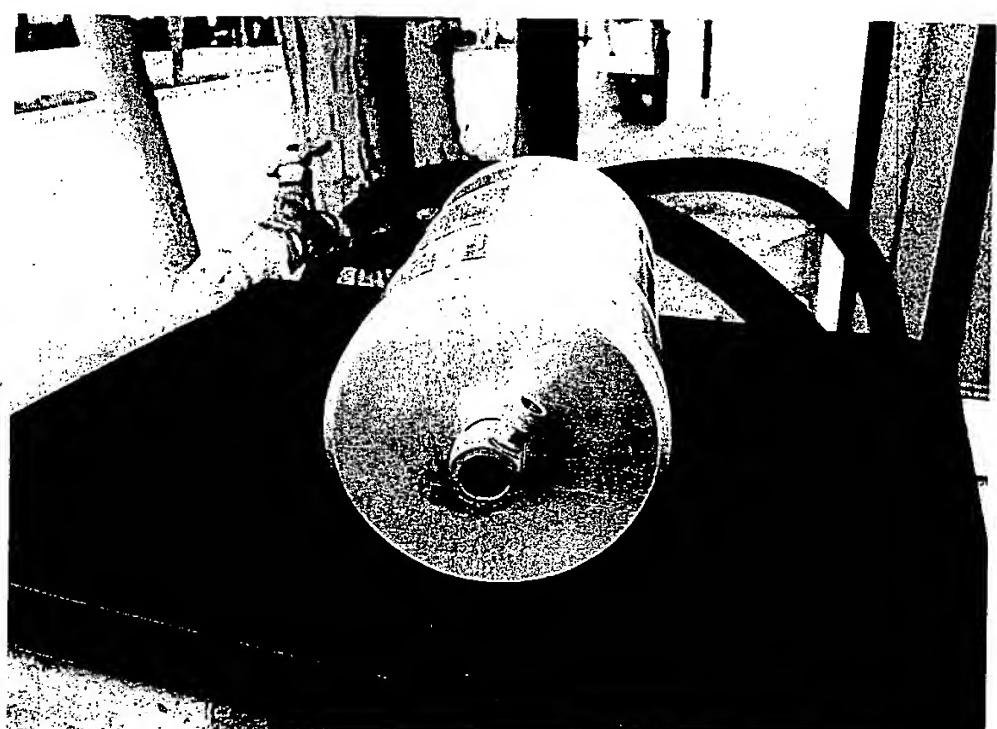
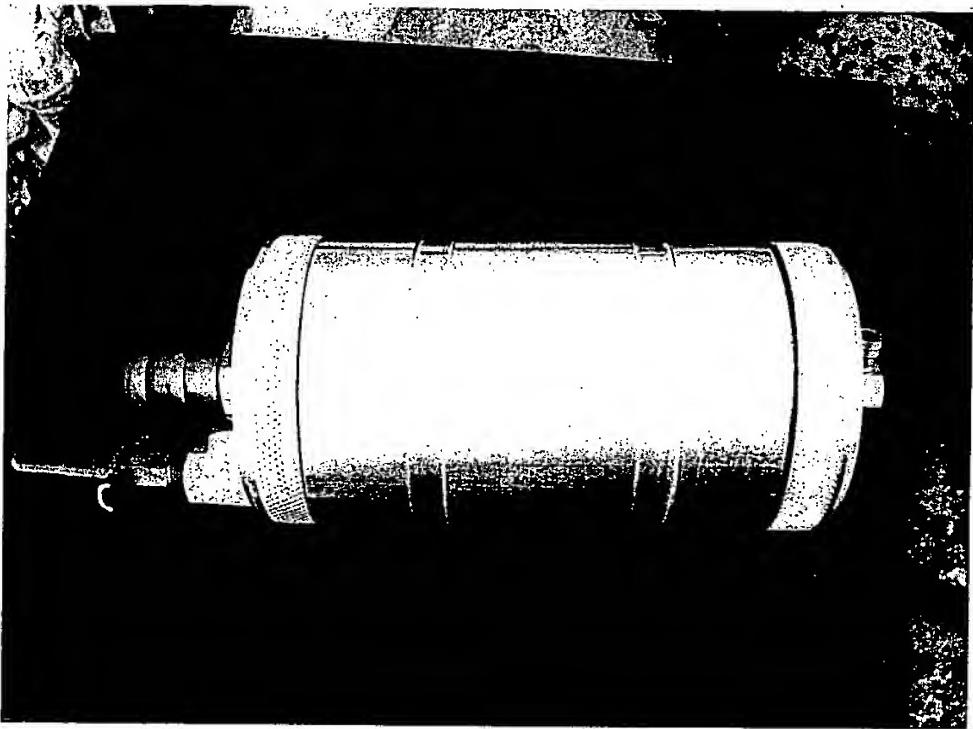


Conventional device  
discussed with reference to  
Fig. 1 of Application and  
mounted on the test vehicle  
for comparison testing.

Invention successfully  
installed and tested on the  
test vehicle.



H



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